IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1772 OF 2006

Dr.Subhash Balurao Kale & Ors. .. Petitioners.
(Orig.Defendants)

Versus

Mr.Kesara Vishram Patel & Ors. .. Respondents.
(Orig.Plaintiffs)

Shri.M.S.Karnik for the petitioner.
None for the respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9TH FEBRUARY, 2007.

P.C.:

1. Heard Mr.Karnik, learned Advocate appearing for the petitioners. Perused the petition and annexures thereto including the impugned orders.

2. The Civil Miscellaneous Appeal No.101 of 2005 preferred by the respondents - original plaintiffs has been allowed by the Appellate Court on 13th January, 2006

and an injunction has been issued restraining the present petitioners-original defendants from alienating or creating third party interest in the suit property so also from putting up any construction thereon.

3. After perusing the order passed by the lower Appellate Court, in my view, it is not necessary to disturb the tentative and prima facie conclusions recorded therein. They are based upon the materials produced during the course of hearing of the Miscellaneous Civil Appeal.

4. Petition is, therefore, dismissed. However, the original plaintiffs include senior citizen so also the respondents-original defendants being families consiting of ladies, it would be appropriate if the hearing of the Reg.Civil Suit is expedited. The learned Judge to whom Spl.Civil Suit No.164 of 2004 is assigned to endeavour and dispose of the same as expeditiously as possible and before 31st December, 2007. All contentions on merits of both sides are expressly kept open.

sd/-

(S.C.Dharmadhikari, J.)